

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PARLER LLC,)	
)	
<i>Plaintiff,</i>)	CASE NO. 2:21-cv-0031-BJR
)	
v.)	ORDER RE: MOTION FOR
)	TEMPORARY RESTRAINING ORDER
AMAZON WEB SERVICES, INC.,)	
)	
<i>Defendant.</i>)	
)	
)	
)	

This matter comes before the Court on an *ex parte* Motion for Temporary Restraining Order (“TRO”) filed by Plaintiff Parler LLC (“Parler”). Dkt. No. 2. Parler filed its motion contemporaneously with its Complaint; neither has been served on Defendant Amazon Web Services, Inc. (AWS), nor has AWS yet made an appearance. In brief, Parler alleges that “AWS is threatening to suspend all services to Parler” effective Sunday, January 10th, at 11:59 PM PST, and seeks a TRO enjoining AWS from doing so. Mot. at 2. The motion was filed the following day, January 11, 2021 (today), and thus, presumably, those services were in fact suspended last night.

Parler has filed its motion pursuant to Fed. R. Civ. P. 65(b), which provides in relevant part:

1 (1) Issuing Without Notice. The court may issue a temporary restraining order
2 without written or oral notice to the adverse party or its attorney only if:

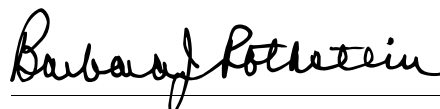
3 (A) specific facts in an affidavit or a verified complaint clearly show that
4 immediate and irreparable injury, loss, or damage will result to the movant before
the adverse party can be heard in opposition; and

5 (B) the movant's attorney certifies in writing any efforts made to give notice and
6 the reasons why it should not be required.

7 As noted above, Defendant AWS has apparently not been served either with the
8 Complaint or the instant motion. Furthermore, Parler's attorney has not "certifie[d] in writing
9 any efforts made to give notice and the reasons why it should not be required." The Western
10 District of Washington Local Rules are exceedingly clear: "Motions for temporary restraining
11 orders without notice to and an opportunity to be heard by the adverse party are disfavored and
12 will rarely be granted." LCR 65(b)(1). In the absence of the certification outlined in Fed. R. Civ.
13 P. 65(b)(1)(B), Parler has the obligation to "serve all motion papers on the opposing party before
14 or contemporaneously with the filing of the motion and include a certificate of service with the
15 motion." *Id.*

17 Therefore, the Court hereby orders Parler to "serve all motion papers," including the
18 Complaint, on AWS by no later than 5:00 p.m. PST today, January 11, 2021. AWS shall
19 respond to the Motion for TRO no later than 5:00 p.m. PST, January 12, 2021. Parler may file
20 any reply no later than 12:00 noon PST, January 13, 2021. The parties shall follow all rules for
21 briefing, including page limits, set out in the Local Rules.

23 Dated this 11th day of January, 2021.

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Barbara Jacobs Rothstein
U.S. District Court Judge